

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH60290-LKx-167 (3/23)

Short Title: Macon-Jackson Regional Airport Authority. (Local)

Sponsors: Representatives Haire and West (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO CONSOLIDATE THE EXISTING MACON COUNTY AIRPORT
3 AUTHORITY AND THE EXISTING JACKSON COUNTY AIRPORT
4 AUTHORITY TO CREATE A NEW MACON-JACKSON REGIONAL AIRPORT
5 AUTHORITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** S.L. 1999-238 reads as rewritten:

8 "Section 1. There is hereby created the "~~Macon County~~"Macon-Jackson
9 Regional Airport Authority" (for brevity hereinafter referred to as the "Airport
10 Authority"), which shall be a body both corporate and politic, having the powers and
11 jurisdiction hereinafter enumerated and such other and additional powers as shall be
12 conferred upon it by general law and future acts of the General Assembly.

13 Section 2. The Airport Authority shall consist of five members, who shall be
14 residents of Macon County or Jackson County and who shall be appointed to staggered
15 terms of six years by agreement of the Macon County Board of Commissioners and the
16 Jackson County Board of Commissioners. Members may succeed themselves in office
17 and serve more than one term. Two initial appointments to the Airport Authority shall
18 be for two years, two initial appointments to the Airport Authority shall be for four
19 years, and the remaining initial appointment to the Airport Authority shall be for six
20 years.

21 When vacancies occur in the membership of the Airport Authority, for any
22 reason, the remaining members of the Airport Authority shall submit a list of two or
23 more candidates to the Macon County Board of Commissioners and the Jackson County
24 Board of Commissioners. The ~~Board Boards~~ of Commissioners shall either jointly select
25 one from that list to fill the unexpired term of the vacant office or shall request that the
26 Airport Authority submit additional candidates. The Airport Authority shall submit

1 additional candidates upon request until the ~~Board~~Boards of Commissioners ~~selects~~
2 select a member from the candidates submitted.

3 Each member shall take and subscribe before the Clerk of Superior Court of
4 Macon County or the Clerk of the Superior Court of Jackson County, depending on the
5 member's residence, an oath of office and file the same with the Macon County Board
6 of Commissioners. Membership on the Macon County Board of Commissioners or the
7 Jackson County Board of Commissioners and the Airport Authority shall not constitute
8 double office holding within the meaning of Article VI, Section 9, of the Constitution of
9 North Carolina.

10 Section 3. The Airport Authority may adopt suitable bylaws for its
11 management. The members of the Airport Authority may receive compensation, per
12 diem, or otherwise as the Macon County Board of Commissioners and the Jackson
13 County Board of Commissioners from time to time ~~determines~~jointly determine.
14 Members shall be allowed and paid their actual expenses incurred in transacting the
15 business and at the instance of the Airport Authority. Members of the Airport Authority
16 shall not be personally liable for their acts as members of the Airport Authority, except
17 for acts resulting from misfeasance or malfeasance.

18 Section 4.(a) The Airport Authority shall constitute a body, both
19 corporate and politic, and shall have the following powers and authority:

- 20 (1) To purchase, acquire, establish, construct, own, control, lease, equip,
21 improve, maintain, operate, and regulate airports and landing fields for
22 the use of airplanes and other aircraft within the limits of the county
23 and for this purpose to purchase, improve, own, hold, lease, or operate
24 real or personal property. The Airport Authority may exercise these
25 powers alone or in conjunction with the ~~County~~counties of
26 ~~Macon~~Macon and Jackson.
- 27 (2) To sue and be sued in the name of the Airport Authority, to make
28 contracts and hold any personal property necessary for the exercise of
29 the powers of the Airport Authority, and acquire by purchase, lease, or
30 otherwise any existing lease, leasehold right, or other interest in any
31 existing airport located in the county.
- 32 (3) To charge and collect reasonable and adequate fees and rents for the
33 use of airport property or for services rendered in the operation of the
34 airport.
- 35 (4) To make all reasonable rules and regulations it deems necessary for the
36 proper maintenance, use, operation, and control of the airport,
37 including public safety, and provide penalties for the violation of these
38 rules and regulations; provided, the rules and regulations and
39 schedules of fees not be in conflict with the laws of North Carolina and
40 the regulations of the Federal Aviation Administration. The Airport
41 Authority may administer and enforce any airport zoning regulations
42 adopted by the ~~County~~counties of ~~Macon~~Macon or Jackson
43 depending on the location of the airport.

- 1 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General
2 Statutes.
- 3 (6) To sell, lease, or otherwise dispose of any property, real or personal,
4 belonging to the Airport Authority, according to the procedures
5 described in Article 12 of Chapter 160A of the General Statutes, but no
6 sale of real property shall be made without the approval of the ~~Macon~~
7 ~~County Board of Commissioners.~~ Commissioners of the county in
8 which the real property is located.
- 9 (7) To purchase any insurance that the Federal Aviation Administration or
10 the Airport Authority shall deem necessary. The Airport Authority
11 shall be responsible for any and all insurance claims or liabilities.
- 12 (8) To deposit or invest and reinvest any of its funds as provided by the
13 Local Government Finance Act, as it may be amended from time to
14 time, for the deposit or investment of unit funds.
- 15 (9) To purchase any of its outstanding bonds or notes.
- 16 (10) To operate, own, lease, control, regulate, or grant to others, for a
17 period not to exceed 20 years, the right to operate on any airport
18 premises restaurants, snack bars, vending machines, food and beverage
19 dispensing outlets, rental car services, catering services, novelty shops,
20 insurance sales, advertising media, merchandising outlets, motels,
21 hotels, barbershops, automobile parking and storage facilities,
22 automobile service establishments, and all other types of facilities as
23 may be directly or indirectly related to the maintenance and furnishing
24 to the general public of a complete air terminal installation.
- 25 (11) To contract with persons, firms, or corporations for terms not to
26 exceed 20 years, for the operation of airline-scheduled passenger and
27 freight flights, nonscheduled flights, and any other airplane activities
28 not inconsistent with the grant agreements under which the airport
29 property is held.
- 30 (12) To erect and construct buildings, hangars, shops, and other
31 improvements and facilities, not inconsistent with or in violation of the
32 agreements applicable to and the grants under which the real property
33 of the airport is held; to lease these improvements and facilities for a
34 term or terms not to exceed 20 years; to borrow money for use in
35 making and paying for these improvements and facilities, secured by
36 and on the credit only of the lease agreements in respect to these
37 improvements and facilities, and to pledge and assign the leases and
38 lease agreements as security for the authorized loans.
- 39 (13) Subject to the limitations set out in this act, to have all the same power
40 and authority granted to cities and counties pursuant to Chapter 63 of
41 the General Statutes, Aeronautics.
- 42 (14) To have a corporate seal, which may be altered at will.
- 43 Section 4.(b) The Airport Authority shall possess the same exemptions in
44 respect to payment of taxes and license fees and be eligible for sales and use tax refunds

1 to the same extent as provided for municipal corporations by the laws of the State of
2 North Carolina.

3 Section 5. The Airport Authority may acquire from the ~~county, counties~~ by
4 agreement with the ~~county, counties~~, and the ~~county, counties~~ may grant and convey,
5 either by gift or for such consideration as the county may deem wise, any real or
6 personal property which it now owns or may hereafter acquire, including nontax
7 monies, and which may be necessary for the construction, operation, and maintenance
8 of any airport located in the ~~county, counties~~.

9 Section 6. Any lands acquired, owned, controlled, or occupied by the Airport
10 Authority shall be, and are declared to be, acquired, owned, controlled, and occupied for
11 a public purpose.

12 Section 7. Private property needed by the Airport Authority for any airport,
13 landing field, or as facilities of an airport or landing field, may be acquired by gift or
14 devise, or may be acquired by private purchase or by the exercise of eminent domain
15 pursuant to Chapter 40A of the General Statutes, as a local public condemnor, including
16 the provisions of G.S. 40A-42. If property acquired by gift, devise, purchase, or
17 condemnation has a burial ground or graveyard, then it shall be lawful for the Airport
18 Authority, after 30 days' notice to the surviving spouse or next of kin of the deceased
19 buried there or the person in control of the graves, if they are known, to remove the
20 interred body and reinter the body in another cemetery in Macon County or Jackson
21 County. If no surviving spouse or next of kin or person in control can be found, then
22 the Airport Authority may advertise for four consecutive weeks in a newspaper
23 published in Macon County and Jackson County of the intended removal of the graves.
24 The removal shall then be conducted under the supervision of the Clerk of the Superior
25 Court of Macon County or the Clerk of the Superior Court of Jackson County or his or
26 her representative. The expense of the removal shall be borne by the Airport Authority.

27 Section 8. The Airport Authority shall make an annual report to the Macon
28 County Board of Commissioners and the Jackson County Board of Commissioners
29 setting forth in detail the operations and transactions conducted by it pursuant to this
30 act. The Airport Authority shall not have the power to pledge the credit of Macon
31 County or Jackson County, or any subdivision thereof, or to impose any obligation on
32 Macon County or Jackson County, or any of its subdivisions, except when that power is
33 expressly granted by statute.

34 Section 9. Subject to the limitations as set out in this act, all rights and
35 powers given and granted to counties or municipalities by general law, which may now
36 be in effect, or enacted in the future, relating to the development, regulation, and control
37 of municipal airports and the regulation of aircraft are now concurrently vested in the
38 Airport Authority. The Macon County Board of Commissioners and the Jackson
39 County Board of Commissioners may delegate its powers under these acts to the Airport
40 Authority, and the Airport Authority shall have concurrent rights with Macon County
41 and Jackson County to control, regulate, and provide for the development of aviation in
42 Macon County or Jackson County.

43 Section 10. The Airport Authority may contract with and accept grants from
44 the Federal Aviation Administration, the State of North Carolina, or any of the agencies

1 or representatives of either of said governmental bodies relating to the purchase of land
2 and air easements and to the grading, constructing, equipping, improving, maintaining,
3 or operating of an airport or its facilities or both.

4 Section 11. The Airport Authority may employ or contract with any agents,
5 engineers, attorneys, and other persons whose services may be deemed by the Airport
6 Authority to be necessary and useful in carrying out the provisions of Sections 1
7 through 10 of this act.

8 Section 12. The Macon County Board of Commissioners and the Jackson
9 County Board of Commissioners may appropriate funds derived from any source
10 including ad valorem taxes to carry out the provisions of this act in any proportion or
11 upon any basis as may be determined by the Macon County Board of Commissioners or
12 the Jackson County Board of Commissioners. The Macon County Board of
13 Commissioners and the Jackson County Board of Commissioners may provide county
14 services to the Airport Authority upon any basis as may be determined by the Macon
15 County Board of Commissioners or the Jackson County Board of Commissioners.

16 Section 13. The Airport Authority may expend the funds that are
17 appropriated by the county for joint airport purposes and may pledge the credit of the
18 Airport Authority to the extent of the appropriated funds.

19 Section 14. The Airport Authority shall elect from among its members a
20 chair and other officers at its initial meeting and then biennially thereafter. Officers shall
21 be eligible to succeed themselves in office and to serve consecutive terms at the will of
22 the members of the Airport Authority. A majority of the Airport Authority shall control
23 its decisions. Each member of the Airport Authority, including the chair, shall have one
24 vote. The Airport Authority shall meet at the places and times designated by the chair.

25 Section 15. If an airport established pursuant to this act ceases to be operated
26 by the Airport Authority, or if any property acquired pursuant to this act for airport
27 purposes is abandoned, then the title to that real or personal property, or rights under
28 any existing lease, shall revert to and vest in the County of Macon and on the sale of
29 that property, the proceeds shall vest totally in the County of Macon.

30 Section 16. The powers granted to the Airport Authority shall not be
31 effective until the members of the Airport Authority have been appointed by the Macon
32 County Board of Commissioners and the Jackson County Board of Commissioners,
33 acting jointly, and nothing in this act shall require ~~the either~~ Board of Commissioners to
34 make the initial appointments. It is the intent of this act to enable but not to require the
35 formation of the ~~Macon County~~ Macon-Jackson Regional Airport Authority. Upon
36 appointment of the members of the Macon-Jackson Regional Airport Authority, the
37 Macon County Airport Authority and the Jackson County Airport Authority, if in
38 existence, are dissolved.

39 Section 17. If any one or more sections, clauses, sentences, or parts of this
40 act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the
41 remaining provisions thereof, but shall be confined in its operation to the specific
42 provisions held invalid, and the inapplicability or invalidity of any section, clause,
43 sentence, or part of this act in one or more instances or circumstances shall not be taken
44 to affect or prejudice in any way its applicability or validity in any other instance.

1 Section 18. Chapter 955 of the 1989 Session Laws, except for Section 10 is
2 repealed.
3 Section 19. This act is effective when it becomes law."
4 **SECTION 2.** This act is effective when it becomes law.